

### **REMARKS**

This is in response to the Office Action, dated December 15, 2003, where the Examiner has rejected claims 1-34, 37, 40-43 and 46, and has objected to claims 35, 36, 38, 39, 44, 45, 47 and 49. Applicants acknowledge and appreciate the Examiner's statement that claims 35, 36, 38, 39, 44, 45, 47 and 49 would be allowable if rewritten in independent form. By the present amendment, claims 1, 11-13, 17, 24, 25, 29, 30, 31, 32, 34, 37, 40, 41, 43 and 46 have been amended. After the present amendment, claims 1-48 are pending in the present application. Reconsideration and allowance of pending claims 1-48 in view of the following remarks are respectfully requested.

**A. Rejection of Claims 1-34, 37, 40-43 and 46 under 35 USC § 102(b)**

The Examiner has rejected claims 1-34, 37, 40-43 and 46 under 35 USC § 102(b) as being anticipated by Jacobs, et al. (USPN 5,778,338) (hereinafter "Jacobs").

Applicants respectfully submit that claim 1, as amended, should be allowed over Jacobs and other cited references at least for the following reasons. Claim 1, as amended, recites: "a selector for selecting one of the first encoding scheme and the second encoding scheme based upon the detection or absence of the triggering characteristic in the interval of the input speech signal; wherein the first encoding scheme uses a first frame type for coding the speech signal **at a selected rate** and the second encoding scheme uses a second frame type for coding the speech signal **at the same selected rate**, wherein the second frame type is different from the first frame type." It is respectfully submitted that Jacobs fails to disclose, teach or suggest such limitations.

For example, as further noted in claim 11, both the first frame type and the second frame type are used for coding at the full-rate (or the same rate). However, the difference is that the

first frame type belongs to the first coding scheme and the second frame type belongs to the second coding scheme. The speech encoding system decides whether to choose the first coding scheme or the second coding scheme, i.e. code at full rate using the first frame type or the second frame type, based on the detection or absence of the triggering characteristic in the interval of the input speech signal. It is respectfully submitted this approach is different than that of Jacobs, where there is one frame type for each coding rate, and the frame type for coding at the same rate does not change based on the detection or absence of the triggering characteristic in the interval of the input speech signal.

Accordingly, applicants respectfully submit that claim 1 and its dependent claims 2-12 should be allowed.

Further, independent claims 13, 17, 31 and 40 have been amended similar to claim 1 to recite: “wherein the first encoding scheme uses a first frame type for coding the speech signal **at a selected rate** and the second encoding scheme uses a second frame type for coding the speech signal **at the same selected rate**, wherein the second frame type is different from the first frame type.” Accordingly, applicants respectfully submit that claims 13, 17, 31 and 40 and their respective dependent claims 14-16, 18-30, 32-39 and 41-48 should be allowed at least for the reasons stated above in conjunction with patentability of claim 1.

**B. Conclusion**

For all the foregoing reasons, an early allowance of claims 1-48 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;  
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